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STATEMENT OF CONGRESSMAN PETE STARK INTRODUCING

THE KEEPING FAMILIES TOGETHER ACT

Madam Speaker, I rise today to join Congressmen Ramstad and Kennedy in introducing the bipartisan and bicameral "Keeping Families Together Act." This bill is a first step in ending the practice of custody relinquishment, which the President's New Freedom Commission on Mental Health called "appalling." Every year, families are forced to give up legal custody of their severely mentally ill children to state child welfare agencies in order get these children the health care they need. Senators Susan Collins (ME) and Tom Harkin (IA) are introducing companion legislation in the Senate.

Imagine being the parent of a sick child desperately in need of assistance. Your private insurance does not cover mental health care, yet you earn too much to qualify for Medicaid. If you want your child to get treatment you must turn over custody to the child welfare or juvenile justice agency. Now, imagine what affect this awful situation has on the child. The child is already battling mental illness and is now "abandoned" by their family and stigmatized as a "foster child."

These are horrible decisions that a family should never be forced to make. Yet, a 2003 GAO report, surveying 19 states, found that over 12,700 mentally ill children were placed with child welfare or juvenile justice agencies for the sole purpose of obtaining needed mental health care. The actually number of families torn apart is certainly much higher when all 50 states are taken into account.

The Bazelon Center for Mental Health Law has further elaborated on the situations that cause parents and guardians to have to give up their mentally ill children to state agencies. These situations include the following:

- The family has either exhausted private health benefits, or the benefits did not cover the required services, such as residential treatment programs.
- The family lives in a jurisdiction in which children are deprived of mental health services through the Individuals with Disabilities Act (IDEA) as a result of a restrictive definition of serious mental illness. For example, the school simply labels these children as “discipline problems” and do not properly identify their mental illness.
- The family resides in a jurisdiction that falsely interprets federal child welfare law (Title IV-E of the Foster Care and Adoption Assistance Program) as requiring custody relinquishment even for temporary out-of-home placements.

Whatever the cause may be for the families’ desperate situation, their nightmare is certainly real. The “Keeping Families Together Act” is a first step toward ending this nightmare and ensuring children get the care they need without being torn from their families.

This bill does two primary things:

- It creates \$100 million in competitive state grants over six years to improve access to state mental health and family support services for families in danger of losing their children because they cannot afford mental health care. States are eligible if they are willing to end the practice of child custody relinquishment and create alternate avenues to getting children needed care while keeping them with their families.

- It establishes a federal interagency task force, as recommended by the April 2003 GAO report, to monitor and evaluate the family support grants. The task force will make recommendations to Congress for improving mental health services and removing barriers that have caused child custody relinquishment. This will give Congress the information we need to take further action in the future to end custody relinquishment across the country.

This bill is a great start, however, the bill is only large enough to provide a handful of states with grants. Therefore, it is critical that we work with the aforementioned task force to examine what is working in the grantee states. We can then begin to implement those solutions in all states.

We have known about this problem for many years. Along with my colleagues, Senator Collins and Harkin and Representatives Ramstad and Kennedy, I have worked hard to educate the public and the Congress about this issue. Unfortunately, education and awareness are no longer enough. We first introduced legislation on this issue in 1995. Now is the time to act.

The "Keeping Families Together Act" is a crucial first step toward ending the barbaric practice of custody relinquishment. I hope my colleagues and I can work together to quickly implement this legislation. This bill will allow many, but not all, states to develop innovative new programs that address the mental health needs of children while keeping families intact. Once we have learned what succeeds at the state level, we must then return to this issue and enact legislation that will end the practice of custody relinquishment in all states.